

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-170618
Plaintiff-Appellee,	:	TRIAL NO. B-1702199
vs.	:	<i>JUDGMENT ENTRY.</i>
JAVONTAY BARR,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Javontay Barr appeals his conviction, following his no-contest plea, for having weapons while under disability.

In a single assignment of error, he argues that the trial court erred by denying his motion to dismiss the having-weapons-while-under-disability count. Barr contends that under *State v. Hand*, 149 Ohio St.3d 94, 2016-Ohio-5504, 73 N.E.3d 448, the use of his prior juvenile adjudication as the disability element of his weapons-under-disability conviction violates his due-process rights under the Ohio and United States Constitutions because juveniles are not afforded the constitutional right to a jury trial. Recently, however, in *State v. Carnes*, Slip Opinion No. 2018-Ohio-3256, ¶ 21, the Supreme Court expressly rejected this argument by

OHIO FIRST DISTRICT COURT OF APPEALS

distinguishing *Hand* and holding that a prior juvenile adjudication may be an element of a weapons-under-disability offense without violating due process under the Ohio or United States Constitutions. Given the Ohio Supreme Court's decision in *Carnes*, we cannot conclude the trial court erred by denying Barr's motion to dismiss. We, therefore, overrule Barr's sole assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., CUNNINGHAM and DETERS, J.J.

To the clerk:

Enter upon the journal of the court on October 12, 2018

per order of the court _____.
Presiding Judge